

Issued May 5, 1911.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 826, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A DRUG PRODUCT—"KICKAPOO COUGH CURE."

On or about July 29, 1910, the Kickapoo Indian Medicine Company, a corporation, Clintonville, Conn., shipped from the State of Connecticut into the District of Columbia a quantity of a drug product labeled: "Kickapoo Cough Cure. Alcohol  $18\frac{3}{4}$  % Price 25 cents. Guaranteed under the Food and Drugs Act, June 30, 1906, Serial 677. Manufactured by the Kickapoo Ind. Med. Co., Inc., Clintonville, Connecticut. Kickapoo Cough Cure for coughs, colds, hoarseness, sore throat, croup, bronchitis." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a hydro-alcoholic solution of sugar, glycerine, vegetable extractive, aromatic bodies, inorganic salts, and undetermined matter. As the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Kickapoo Indian Medicine Company and the parties from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On January 20, 1911, a criminal information was filed in the District Court of the United States for the District of Connecticut against the said Kickapoo Indian Medicine Company charging the above shipment and alleging the product so shipped to be misbranded in that, although said drug contained alcohol, the package or bottle containing said drug failed to bear a statement on the label of the quantity or proportion of alcohol contained therein; in that the carton, bottle, and circular

packed therewith bore the name "Kickapoo Cough Cure," which name was false and misleading because it tended to deceive the purchaser of said drug into the belief that said preparation was a cure for coughs, whereas, in truth and in fact, it was not of such value as a medicinal agent that it would cure coughs; in that the circular accompanying said drug bore the statement "This preparation contains the medicinal virtues of herbs in a concentrated form combined with some of the best demulcents and expectorants in use, forming in all a pleasant and agreeable syrup, possessing properties recognized by the medical profession as necessary to the proper treatment of diseases of the lungs," which statement was false and misleading in that it tended to deceive the purchaser into the belief that said preparation possessed properties recognized by the medical profession as necessary to the proper treatment of diseases of the lungs, whereas, in truth and in fact, said preparation does not and did not possess such properties.

On January 27, 1911, the defendant entered a plea of nolo contendere to the above information, whereupon the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1911.*